

ERIC S. BROWN

v.

ALIDA V. DIXON

Submitted on Briefs September 25, 2024
Decided December 3, 2024

Panel: MEAD, HORTON, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Alida V. Dixon appeals from a judgment entered by the District Court (Augusta, *Montgomery, J.*) denying her M.R. Civ. P. 60(b)(1) motion seeking relief from two other judgments entered by the court. Those separate judgments found her to be in contempt of parental rights and responsibilities provisions in the parties' divorce judgment and modified those provisions to, inter alia, award sole parental rights to the parties' child to Eric S. Brown.

Dixon's Rule 60(b)(1) motion alleged serious inconsistencies between the record of the hearing on the motion for contempt and the factual findings set out in the subsequent judgments entered by the court. Those inconsistencies are apparent on the face of the record.¹

¹ Brown candidly acknowledges that the findings in the judgments concerning (1) whether Brown's motion for contempt and the parties' cross-motions to modify were in fact consolidated for hearing, or whether only the motion for contempt was heard, with the motions to modify deferred for a future hearing that never occurred; and (2) whether the child made substantive statements to the court in chambers, outside of the parties' presence, that were later relied on by the court after the court indicated that it would not do so; "are not wholly consistent" with the court's on-the-record

Maine Rule of Civil Procedure 60(b)(1) provides that “[o]n motion and upon such terms as are just, the court may relieve a party . . . from a final judgment” on the ground that the record establishes a “mistake.”² We review a trial court’s denial of a Rule 60(b) motion for an abuse of discretion, and “[o]rdinarily, [will] defer to the trial court’s ability to give weight to the appropriate factors and will find abuse only where the court makes a serious mistake in weighing those factors.” *Estate of Shapiro*, 1999 ME 25, ¶ 14, 723 A.2d 886 (quotation marks omitted). “When, however, the court applies its discretion based on a serious mistake of facts or law material to the issues before it, it cannot give proper weight to the factors to be considered, and we will conclude that discretion to have been abused.” *Id.* Such is the case here.

The entry is:

Judgment vacated. Remanded with instructions to grant Dixon’s M.R. Civ. P. 60(b) motion for relief from the judgments holding Dixon in contempt and modifying the parental rights and responsibilities provisions of the parties’ divorce judgment, and for further proceedings.

statements at the contempt hearing. He further agrees that “there were some procedural steps that may have been irregular.” Our review of the record supports Brown’s concessions.

² Such a motion must be filed “within a reasonable time, and . . . not more than one year after the judgment.” See *Kemp v. United States*, 596 U.S. 528, 538 (2022) (“Rule 60(b)(1) motions, like all Rule 60(b) motions, must be made ‘within a reasonable time.’ And while we have no cause to define the ‘reasonable time’ standard here, we note that Courts of Appeals have used it to forestall abusive litigation by denying Rule 60(b)(1) motions alleging errors that should have been raised sooner (*e.g.*, in a timely appeal).” (citation omitted)).

The predicate here is atypical. The mistake is manifest and clear. We conclude that, under the unique circumstances presented, the motion was timely.

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V. Dixon

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Augusta District Court docket number FM-2011-360
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